

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 12-10284 JGB**

Date June 11, 2013

Title ***In re: Scott Allan Niner***Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE****MAYNOR GALVEZ****Not Reported**

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: Order to Show Cause re: Bankruptcy Appeal (IN CHAMBERS)

On December 3, 2012, the Court received a notice of appeal from the bankruptcy court in the matter of In re: Scot Allan Niner. (Doc. No. 2.) Appellant Daniel Borsotti appealed a decision of the United States Bankruptcy Court of the Central District of California in an adversary proceeding against Appellee Scot Niner. (Id.)

Pursuant to the “Notice Regarding Appeal from Bankruptcy Court” issued by this Court on December 3, 2012, Appellant was ordered to “immediately file in the District Court Clerk’s Office two complete copies of the order or judgment being appealed from, together with any written findings of fact and conclusions of law and opinions supporting said order or judgment.” (“Notice,” Doc. No. 1.) In addition, the Notice required Appellant to file a designation of record, a statement of issues on appeal, and a notice regarding the ordering of transcripts with the Clerk of the Bankruptcy Court within fourteen days after filing the notice of appeal. (Id. at 1.) The Notice also requires that the parties comply with all applicable rules of the Federal Rules of Bankruptcy Procedure. (Id.) Notably, Rule 8009 request the Appellant to serve and file a brief within fourteen days after entry of the appeal on the docket. Fed. R. Bankr. P. 8009.

To date, and despite the expiration of time within which to do so, Appellant has not filed all of the required documents. The only documents Appellant filed with the Court are the Bankruptcy Court’s “Order Dismissing Adversary Proceeding with Prejudice” and a portion of the Bankruptcy Court docket. (Doc. No. 2, Exhs. B, C.) As described above, Appellant failed to designate and provide a copy of the items to be included in the record on appeal, state the issues to be presented on appeal, or request and pay for the transcripts of any proceeding which

comprise the relevant record. See Fed. R. Bankr. P. 8006; Notice at 1. When Appellant files the aforementioned documents and the record is complete for purposes of appeal, the Clerk of the Bankruptcy Court will transmit a copy of the record to the Clerk of the District Court and file a Certificate of Readiness and Completion of Record with this Court. See Fed. R. Bankr. P. 8007(b); Notice at 2. The Court has not received a copy of the record, nor is a Certificate of Readiness on file.

The Notice warned that the “failure of either party to comply with time requirements as stated in this notice and applicable rules may result in the dismissal of the appeal or the right to oppose the appeal.” (Notice at 2.) Appellant was required to file the documents described above within fourteen days after filing the notice of appeal, that is, by December 17, 2012. Accordingly, Appellant is hereby ORDERED to show cause in writing, on or before **June 25, 2013**, why this appeal should not be dismissed for lack of prosecution. Failure to adequately respond to this Order may result in the dismissal of the appeal.

IT IS SO ORDERED.